

PLANNING COMMISSION MINUTES

May 17, 2011

7:00 p.m.

Present: Acting Chairman Michael Allen, Von Hill, Barbara Holt, Sean Monson, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, Youth Council Representative Jasilyn Brinkerhoff and Recording Secretary Connie Feil.

Absent: Chairman Tom Smith and Vice Chairman Dave Badham.

Acting Chairman Michael Allen welcomed all those present.

Von Hill made a motion to approve the minutes for May 3, 2011 as written. Sean Monson seconded the motion and voting was unanimous in favor. Beth Holbrook abstained from voting.

1. Consider preliminary and final subdivision plat approval for Orchard Lane Subdivision located at 850 E. 550 N., Ken Kingston, applicant.

Aric Jensen explained that he and the City Manager, City Attorney, and City Engineer had a discussion to review some of the issues with this proposal. Paul Rowland and Mr. Jensen met with Mr. Kingston to discuss these issues. Mr. Kingston asked to table his proposal to give him more time to review and make changes.

2. Consider amended commercial site plan approval for Bountiful City Light & Power located at 253 S. 200 W., Allen Johnson, applicant.

Allen Johnson and Alan Farnes, representing the Power Department, were present. Chris Layton, architect, was also present. Aric Jensen explained that Allen Johnson is requesting amended site plan approval for modifications and additions to the existing power plant located at 253 South 200 West. Bountiful Light and Power received final site plan approval in January of this year for upgrades to its existing power plant. At the time of approval, the exact dimensions of the new turbines were unknown, and so the final dimensions of the building housing it were also unknown. The final site plan approval was granted so that the dispatch building and other infrastructure could be started while the details on the turbine building were being finalized.

Mr. Jensen explained that Mr. Layton has finished the drawings for the turbine building and they are ready for review by the Planning Commission. The structure will be a large, rectangular building with windows, brick, masonry bands, and cornice matching the dispatch building currently under construction.

Staff recommends amending the commercial site plan approval for Bountiful Light and Power, with the condition that any outstanding conditions of the original site plan approval shall remain in effect.

Mr. Layton presented a color board showing the dimensions of the building housing the turbines and the final look of the structure. He explained that the roof of the building will screen the vision of the turbines. It will be hard to see them.

Allen Johnson explained that they have met several times on the design for the structure to reduce the height of the building. He feels that the building has a clean attractive look to it.

Von Hill made a motion to recommend to the City Council approval of the amended site plan for Bountiful City Power Plant as presented. Barbara Holt seconded the motion and voting was unanimous in favor.

3. Consider amending the existing Bountiful City Ordinance 2007-04 to allow construction of the remaining townhomes without the required commercial building on the property located at 2084 S. Orchard Dr., Matt Carter, applicant.

Aric Jensen explained that on May 3, 2011, the Planning Commission considered the applicant's request and determined that additional information was needed before a decision could be rendered. Staff was instructed to conduct an inspection of the existing site and determine if there were any outstanding elements from the original approval.

The following is a summary of staff's findings following a site inspection on May 11, 2011.

First, the approved site plan shows a 6' high vinyl fence running the length of the northern boundary of the development. No part of that fence is currently in existence.

Second, the approved site plan shows a vertical retaining wall in various locations along the northern boundary. Instead of the vertical retaining wall, a rock retaining wall was constructed.

Third, the approved site plan shows that drainage will be contained on the property and flow to on site catch basins. In locations where the rock retaining was installed instead of the vertical wall, the drainage runs onto the neighboring property.

Fourth, the sections of sidewalk and drive approach that were supposed to be replaced along Orchard Dr. were never constructed.

Lastly, the final two inches of asphalt on the upper portion of the driveway was never installed.

Mr. Jensen stated that based on these observations, staff is still of the opinion that it is in the best interest of the City and the property owners to allow the last five residential units to be built prior to the construction of the commercial building, however, any approval should be conditioned upon the completion and/or correction of all outstanding requirements.

The following is an excerpt from the previous staff report setting forth the reasons why staff believes the applicants request should be approved:

1. There is already a surplus of commercial space in the area, as evidenced by the poor performance of the corner strip center and the class of tenants in the adjacent properties. Building additional commercial square footage will only exacerbate the situation.
2. At the time the ordinance was originally approved, it was determined that the relatively high profit on the residential units could subsidize the construction and rental rates of the commercial building until such a time that commercial demand and rental rates reached profitable levels. However, with the economic downturn, sales prices of the residential units dropped to the point that there was no profit realized to subsidize the commercial building.
3. Lastly, staff has concluded that it is in the City's best interest to have the residential units completed and inhabited with citizens who support local businesses, pay utility fees, support the homeowner's association, and otherwise contribute to the community. By holding hard and fast to the existing ordinance, neither the residential units nor the commercial building will be built, and the City loses in both regards.

Staff recommends amending Ordinance 2007-04 by removing the following language from Section 3 (B), for the reasons stated in the letter and in the staff report,

Building permits shall not be issued for the last twenty five percent (25%) of the residential units before the building permit for the commercial building has been issued and construction commenced.

And adding the following conditions:

1. The section of retaining wall, landscaping, and grading along the northern property boundary that do not match the approved site plan shall be constructed as shown on the approved plans prior to the issuance of any building permit, except as may be necessary to construct these improvements.

2. The section of 6' high vinyl fence located along the north property boundary adjacent to the residential portion of the development shall be installed in conjunction with the required landscaping and retaining wall.
3. Prior to final occupancy of any new residential unit, the sections of sidewalk and drive approach shown on the approved plans shall be replaced.
4. Prior to final occupancy of any new residential unit, the remaining 2 inches of asphalt shall be installed on the upper section of driveway.
5. All improvements associated with the last 5 residential units shall be installed prior to final occupancy permit.

Mr. Jensen explained that Matt Carter lost the property to default and the property went back to the loan holder. Ann Bettinson and her sister are now the owners of the property and they have Ron Hales as their representative. Mr. Hales stated that all the conditions that have not been completed will be done if the proposal is approved. He mentioned that the owners want to get everything cleaned up and maintained.

There was a discussion regarding the previous requirements that need to be completed and whether the commercial area should be landscaped and maintained until it is developed.

Sean Monson made a motion to recommend to the City Council approval to amend the Bountiful City Ordinance 2007-04 as set forth by staff with the addition of the following condition:

6. The commercial area be landscaped, irrigated and maintained until the property is developed.

Beth Holbrook seconded the motion and voting was unanimous in favor.

4. Planning Director's report and miscellaneous business.

Aric Jensen announced that this is the last meeting that Jasilyn will be with the Planning Commission. She is graduating from Bountiful High and will be attending college in the fall.

Jasilyn presented the Planning Commission with treats as she explained her future plans. There was a discussion among all those present. Everyone wished Jasilyn good luck with her school.

Meeting adjourned at 8:00 p.m.